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U.S. Department
of Transportation

**Research and
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Administration**

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400 Seventh Street, S.W.
Washington, D.C. 20590

JUN 27 1996

Mr. W. Scott Leggat
Manager, Compliance & Control
"K" Line America, Inc.
535 Mountain Avenue
Murray Hill, NJ 07974

Dear Mr. Leggat:

This is in response to your letter of April 22, 1996 concerning whether a shipper or a carrier is liable for penalties when an emergency response telephone number on a certified shipping paper is invalid.

The emergency response telephone number requirements in 49 CFR 172.604 apply to shippers and carriers of hazardous materials in interstate commerce. The emergency response number ensures that appropriate response and mitigation information is available to emergency response personnel in the event of an incident. The number must be of a person who has comprehensive emergency response and accident mitigation information or has immediate access to a person who possess such knowledge. For import shipments, a contact person in the United States may be used if the person can give detailed information on the hazardous material or can immediately connect the emergency responder with the person in the foreign country who possesses such information.

Before accepting a hazardous materials shipment, a motor carrier must ensure that an emergency response telephone number appears on a shipping paper as required in § 172.604(a)(3). However, a motor carrier is not required to verify that the emergency response telephone number meets the remaining requirements of § 172.604. The shipper is responsible for ensuring that the emergency response telephone number is

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operative and meets the requirements of § 172.604(b). If the emergency response telephone number is determined to be invalid, further transportation of the hazardous material would not be in compliance with § 172.600.

If we can be further assistance, please contact us.

Sincerely,



Delmer F. Billings
Chief, Regulations Development
Office of Hazardous Standards

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"K" LINE AMERICA, INC.

535 Mountain Avenue
Murray Hill, New Jersey 07974
TEL: (908) 582-9000 FAX: (908) 582-9001

April 22, 1996

Smith
702 142.604
50 290.224

Mr. Delmer F. Billings
Chief, Regulations Development
Office of Hazardous Materials Standards
U.S. Department of Transportation
Research and Special Programs Administration
400 Seventh Street, SW
Washington, DC 20590

Dear Mr. Billings:

Recently "K" Line has had several containers containing hazardous materials found to have shipper supplied certifications with invalid 24 hour emergency contact telephone numbers.


It would be appreciated if you could advise on the following:

1. Which parties are liable for penalties attributed to the bad emergency number the shipper, the consignee, or any of the intermediate carriers using the original shipper's certification?
2. Will the answer to question 1 change if the responsible party happens to be outside of U.S. jurisdiction?
3. What penalties, or other responsibilities, could be placed on any of the intermediate carriers involved with the transporting of a loaded container found to have an invalid emergency contact number?

I realize that there are many factors that may modify the final determination for the above, however, for this letter, and your response, I am trying to determine responsibility for a simple shipment that in all other respects meets the requirements of IMDG and CFR regulations.

Thank you for your attention to this matter.

Very truly yours,


W. Scott Leggat
Manager Compliance & Control

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